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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,213	11/08/2001	Athol E. Meder	PUR01- P-316	5565

28101 7590 12/16/2003

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EXAMINER

BOMBERG, KENNETH

ART UNIT PAPER NUMBER

3754

DATE MAILED: 12/16/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/009,213

Applicant(s)

MEDER ET AL.

Examiner

Kenneth Bomberg

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 7-10 and 23-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 11-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I, drawn to a water dispensing unit having a display, claims 1-22, and the species wherein the display includes an illumination source in Paper No. 5 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 7-10 and 23-49 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 12-14, 16, 21 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Boulter (US 5,911,884).

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In figures 1-2 and 6, Boulter teaches of a water dispensing unit (1001) having a plurality of dispensing nozzles (16), and a housing having a display (1014 and "Avant") according to the claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boulter (US 5,911,884) in view of Ford (US 5,918,768).

Boulter shows a water dispensing unit substantially according to claims 2-5, but does not show the particular display according to the claims. Boulter fails to disclose the nature of the display construction. Ford explicitly teaches to provide an illuminated display (column 8, lines 38) in order to actively draw a patron's attention towards the apparatus (column 2, lines 20-29).

It would have been obvious to one having ordinary skill in the art to have incorporated the illuminated display teaching of Ford in the water dispenser of Boulter in order to draw a patron's attention towards the apparatus as taught by Ford.

7. Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boulter (US 5,911,884) in view of Sutphen et al. (US 2,792,920).

Boulter shows a water dispensing unit substantially according to claims 6 and 11, but does not show the particular variably operable display or audible message according to the claims. Boulter fails to disclose the nature of the display construction. Sutphen et al. explicitly teaches to provide a variably operable display and audible message (columns 1-2, lines 66-10 and column 5, lines 3-41) in order to display advertising mater, visual and/or audible in connection with the operation of the device (column 1, lines 67-71).

It would have been obvious to one having ordinary skill in the art to have incorporated the variably operable display and audible message of Sutphen et al. in the water dispenser of Boulter in order to display advertising mater, visual and/or audible in connection with the operation of the device as taught by Sutphen et al.

8. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (US 5,565,065) in view of Ford (US 5,918,768).

Wang shows a water dispensing unit substantially according to claims 17-20 having a condensing unit (2), a holding tank (22), dispensing nozzle (5), and a boiling unit (3), but does not disclose a display according to the claims. Ford explicitly teaches to provide an illuminated display (column 8, lines 38) in order to actively draw a patron's attention towards the apparatus (column 2, lines 20-29).

It would have been obvious to one having ordinary skill in the art to have incorporated the illuminated display teaching of Ford in the water dispenser of Boulter in order to draw a patron's attention towards the apparatus as taught by Ford.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al. (US 5,868,944) in view of Shelton (WO 98/18116).

Wright et al. shows a water dispensing unit substantially according to claim 15 having a water supply as a bottle of treated water (14) on the upper end of a dispensing unit (12), but does not disclose a display according to the claims. Shelton explicitly teaches to provide a display (9, page 4) in order to provide and activate a promotional message during dispensing (page 1, lines 10-14).

It would have been obvious to one having ordinary skill in the art to have incorporated the display teaching of Shelton in the water dispenser of Wright et al. in order to provide and activate a promotional message during dispensing as taught by Shelton.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sanchez is included because a water distillation unit is taught, Styles is included because a combination beverage dispenser and display is taught.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Bomberg whose telephone number is (703) 308-2179.

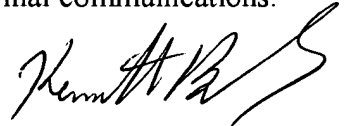
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The examiner can normally be reached on Monday-Thursday from 9:30 AM - 7:00 PM. The examiner can also be reached on alternate Fridays.

The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306 for regular communications and After Final communications.

A handwritten signature in black ink, appearing to read 'Kenneth Bomberg', with a stylized flourish at the end.

KENNETH BOMBERG
PRIMARY EXAMINER
ART UNIT 3754

K.B.

December 7, 2003